

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE ARMANDO ARGUETA TARAX,
et al.,

Plaintiffs,

v.

BUILDING YOUR DREAM, INC., *et al.*,

Defendants.

No. 21-CV-8 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Plaintiffs Felipe Armando Argueta Tarax, Luis Argueta Tarax, and Edward David Argueta Tarax (“Plaintiffs”) bring this action under the Fair Labor Standards Act and New York Labor Law, alleging that while Plaintiffs were employed at Defendant Building Your Dream Inc.—at which Defendant Antonio Dasilva Filho (together with Building Your Dream Inc., “Defendants”) served as owner, manager, principal, or agent—Defendants failed to pay them minimum wage, overtime, and spread of hours pay. (*See generally* Compl. (Dkt. No. 1).) Neither Defendant has answered or otherwise responded to the Complaint, and accordingly, on July 19, 2021, the Clerk of Court entered Certificates of Default as to both Defendants. (*See* Dkt. Nos. 17, 18.) However, to date, Plaintiffs have failed to apply for the entry of default judgments against Defendants. (*See* Dkt.)

Plaintiffs shall apply for the entry of default judgments against Defendants in accordance with the Court’s Individual Rules of Practice for Default Judgment Proceedings by no later than December 20, 2021, or risk dismissal of this Action for failure to prosecute. *See, e.g., Rios v. Zion Farm LLC*, No. 19-CV-4363, 2021 WL 2383026, at *1 (S.D.N.Y. June 9, 2021) (dismissing

case for failure to prosecute where “[the] [p]laintiff was directed to move for a default judgment . . . or show cause why th[e] action should not be dismissed . . . for failure to prosecute” and “[the] [p]laintiff [took] no action”).

SO ORDERED.

Dated: December 7, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the signature.

KENNETH M. KARAS
United States District Judge